

SCANNED

U.S. DISTRICT COURT
DISTRICT OF MAINE

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

2006 AUG 16 A 8:31

JAMES C. MARCELLO, and
OLIVIA A. MARCELLO

Plaintiffs

vs.

CA NO. 06-68-B-W

STATE OF MAINE, et al

Defendants

AFFIDAVIT OF
JAMES C. MARCELLO AND OLIVIA A. MARCELLO

HAVING FIRST BEEN DULY SWORN, James C. Marcello and Olivia A. Marcello, the undersigned affiants, does hereby depose and say as follows:

1. We, James C. Marcello and Olivia A. Marcello, are Pro se Litigants, and we represent Plaintiffs in the above captioned action.
2. Plaintiffs submits this Affidavit in accordance with Rule 4(d)(5) of the Federal Rules of Civil Procedure, for failure of Defendant-Farrell, Rosenblatt, Russell, Defendant-William Anderson, and Defendant-Travis Gould, CEO, to comply with a request to waive service of summons.
3. Our customary hourly rate for work such as work done in this matter is \$100.00 per hour.
4. From June 6, 2006 through August 9, 2006, We have spent 5.48 hours on the case alone on effecting service on the said Defendants, named in (par.2).
5. We have spent a total of 5.48 hours on this case alone effecting service on the said above named Defendants (par.2), resulting in attorney's fees totaling \$ 548.00.
6. The said Plaintiffs Marcello costs subsequently incurred in effecting service under subdivision (e), (f), or (h), of Rule 4(d)(5) is \$ 177.57.
7. Defendants--Farrell, Rosenblatt, Russell;--Travis Gould, CEO;--J. William Anderson; compounded as follows:

Ref	D a t e	Fee Amount	Hours	Item/Cost	See Exib	Bal.Due
5	06-06-2006	150.00	1.50	Waiv-5.00	1	\$155.00
10	07-07-2006	50.00	.50	Sum/Compl M.O.60.00 post-2.00 (Df-Ande)	2 2p4	\$050.00 \$060.00 \$002.00
11	07-07-2006	100.00	1.00	Sum/Compl M.O.80.00 post-2.00 (Df-Farr) (Df-Goul)	3 3p6	\$100.00 \$080.00 \$002.00
12	07-07-2006	33.00	.33	Not/Court (No waiv)	4	\$033.00
13	07-11-2006			Cost-Far (25.38)	5	-\$014.62
14	07-13-2006	33.00	.33	Sum/Court (Farrell)	6	\$033.00
15	07-11-2006			Cost-And (\$24.69)	7	-\$035.31
16	07-17-2006	33.00	.33	Sum/Court (Anderso) wrong-ser	8 8p3	\$033.00
17	07-18-2006	50.00	.50	Sum/Comp M.O.60.00 2nd-attp (Anderso)	9 9p4	\$050.00 \$060.00
18	07-18-2006	33.00	.33	Not/Court (re-ser-And)	10	\$033.00
23	07-31-2006			Cost-Gould (add-18.50)	11	
24	08-01-2006	33.00	.33	Sum/Court (Gould)	12	\$033.00
26	08-01-2006	33.00	.33	Bal.Owed Ser-Gould	13	\$033.00 \$018.50
TOTAL		\$548.00	5.48	+ \$227.50 - \$49.93 = \$725.57		

8. The Plaintiffs resulting attorney fees of \$548.00 and costs subsequently incurred in effecting service under subdivision (e), (f), or (h) of Rule 4(d)(5) of \$177.57 total \$725.57.

FURTHER AFFIANTS SAYTH NOT.

Witness his/her hand under the penalties of perjury this 11th
day of Aug, 2006.

James Manella

AFFIANT--JAMES C. MARCELLO

Olivia Ann Marcello

AFFIANT--OLIVIA A. MARCELLO

PLAINTIFFS * In Pro se
152 Cross Rd
Stetson, ME 04488

NOTARY'S STATEMENT

State of Maine)
) SS.
County of Penobscot)

On this day personally appeared James C. Marcello and Olivia A. Marcello, who, having first been sworn, acknowledged the foregoing before me.

Dennell K. Harr
NOTARY PUBLIC

NOTARY PUBLIC

DENNEL K HAM
NOTARY PUBLIC, MAINE

MY COMMISSION EXPIRES NOVEMBER 18 2010

CERTIFICATION

I, the undersigned, hereby certify that I have mailed a copy of the above Affidavit with Exhibits 1-13 by regular mail, postage prepaid on AUGUST 12, 2006, to: Jon A. Haddow, Esq, 61 Main St, Bangor, ME 04402, and Ronald W. Lupton, Esq, AAG, 6 State House Station, Augusta, ME 04333-0006.

James Marcello